

## **ZONING BOARD OF APPEALS MEETING**

**PLACE: HEARING ROOM 2, MARSHFIELD TOWN HALL**

**SEPTEMBER 23, 2014 7:30 PM**

### **AGENDA - Amended**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. ELECTION OF OFFICERS**

- A. CHAIRMAN
- B. CLERK

**IV. CONTINUED HEARINGS:**

- A. **#14-46: James Kilroy:** Special Permit (11.09) and/or a Variance (10.11) for same, area designated is located on the premises of, but not within the main structure at 210 Pilgrim Rd., (J13-01-03) R-3

**V. NEW HEARINGS:**

- A. **#14-38A: Geoffrey and Maura Casler:** The Petitioners are seeking a Variance in accordance with Section 10.11 of the Marshfield Zoning Bylaws to apply Section 5.04, Principal Uses, Agriculture (5) as an accessory use, which would enable the petitioners to place a commercial kennel, for the purposes of dog-breeding, inside the home located at 1095 Careswell Street, Marshfield, which is identified on the Assessors' Maps as parcel I02-0401 and is located in a R-2 zone.
- B. **#14-43A: Dorothy Redmond:** Petitioner is seeking a Special Permit in accordance with Section 10.12 of the Marshfield Zoning Bylaws to raze the existing pre-existing, non-conforming structure and to construct a 28' x 55' new dwelling on pilings, which will be less non-conforming on the setbacks due to the centering of the new dwelling on the property located at 107 Beach Street, Marshfield, which is identified on the Assessors' Maps as parcel M05-10-24 and is located in a R-3 zone.
- C. **#14-61: Arthur Lage:** The petitioner is seeking a Special Permit in accordance with Section 10.12 of the Marshfield Zoning Bylaws to add multiple additions to the existing, non-conforming structure as follows: a 19.8' x 14.3' garage addition with a 10' x 14.3' screen porch and deck above; on the west side, a 9.5' x 12.5' two-story deck / sunroom with stairs to grade, a 16.2' x 10.8' two-story deck on the east side; a rear deck across the entire back of the dwelling not exceeding in 4' in height, and a 24' x 24' half-story addition above the main two-story structure on the property located at 14 E Street, which is identified on the Assessors' Maps as parcel M05-08-05 and is located in the R-3 zone.
- D. **#14-41A: Ralph Rotondo:** Petitioner is appealing the Building Inspector's decision in a letter dated April 9, 2014, to dismiss his complaint which alleges flooding trespass from the drainage system discharge of a neighboring property, which causes the petitioner's home to flood on the property located at 200 Plain Street, which is identified as F09-03-18A, and is located in an R-2 zone
- E. **#14-36A: New Cingular Wireless, PCS, LLC:** The Petitioner is seeking Site Plan Approval under Section 12.02, as required by Section 11.12.3, and Special Permits under Section 10.12 for the extension or alteration of a pre-existing non-conforming use or structure, as required by Sections 9.02.2, and under Section 5.04 (Accessory use 25) and 11.12.3, and for Variances, in accordance with Section 10.11 for relief from Section 11.12.2(k), (height above roofline and location of associated equipment); and relief from

Section 2, (definition of parking space – length of space); and relief from Section 6.10 (rear and side setbacks requirements), and relief from Section 9.04 (percentage of open space) relief from Section 12.01.10 (noise level requirements) of the Marshfield Zoning Bylaws, on the property located at 1265 Ferry Street, which is identified on the Assessors' Maps as parcel I16-12-15A and is located in B-4 and R-3 zones.

- F. #14-32A: Adelaide Realty Trust, Elizabeth Brown, Trustee and Spectrum Homes, Greg Gibbs, President:** Petitioners are seeking a Special Permit in accordance with Section 10.10, as required by Section 13.01(a) and (b) of the Marshfield Zoning Bylaws to construct drainage facilities in the Inland Wetlands District, and a Variance, in accordance with Section 10.11 of the Marshfield Zoning Bylaws for relief from the definition of "Driveway" to allow the applicant to construct a common driveway on the property located at 138 Webster Street, et al., which are identified on the Assessors' Maps as parcels K04-02-60, K04-02-61, K04-02-62, K05-01-06F and is in an R-3 zone.
- G. #14-39A: Michael Bouressa:** Petitioner is seeking to a Special Permit in accordance with Section 10.10 and / or a Variance in accordance with Section 10.11 of the Marshfield Zoning Bylaws and any other relief the board deems appropriate, to raze an existing dwelling destroyed by rot and infestation and construct it is place a 30.0' x 80.0' dwelling on property located at 24 Indiana St. Marshfield, MA which is listed on the Assessor's Map as parcel I12-05-03 and is in a R-1 zone.
- H. #14-35A: Erich Roht, Trustee, Marshfield Realty Trust:** The petitioner is seeking a Special Permit under Section 10.12 of the Marshfield Zoning Bylaws for a special permit and findings under M.G.L. c. 40A sec. 6 and Site Plan approval or a variance in accordance with Sections 12.01 or 10.11 of the Marshfield Zoning Bylaws, for the expansion of a pre-existing non-conforming marina use to include 4 lodging units and the service of food and beverages and a variance from section 8.01 - minimum off-street parking requirements and section 8.06 - location and design of parking spaces and special permit for section 8.08.13 and any other relief the board deems appropriate for the property located at 2205 Main Street, Marshfield, which is identified on the Assessors' Maps as parcel E20-01-03 and is in an R-1 zone.
- I. #14-62: King Street Realty Trust:** The petitioner is seeking Site Plan Approval to construct three mini-storage unit buildings with the following dimensions: Building 1: 35' x 220'; Building 2: 30' x 260'; Building 3: 40' x 300' and attendant parking area with fenced in outside storage yard on the property located at 59 Lone Street, which is identified on the Assessors' Maps as C10-02-01A and is in the I1 industrial zone.

## **VI. CLOSED HEARINGS / DECISIONS TO BE MADE:**

- A. 14-58: Steven & Sandra Johnson,** 34 Cricket Ln, K11-09-07, R-3: Spec. Permit (10.12) and / or a Variance (10.11), to raze and reconstruct, using the same footprint as the current dwelling which is non-conforming to the setbacks and to allow for the existing 5' x 6' aluminum porch awning & replace it with a 5' x 8' permanent large gable that will encroach further into setback, but will not extend further than the existing front step landing **[DUE: 10/30/14]**

*Please note that the Board may act on agenda items in a different order than they appear on this agenda unless it is a duly noticed and advertised public hearing, which is scheduled for a specific time on the agenda; it shall begin on or after the scheduled time. Interested persons are advised that, in the event any general agenda matter taken up at this meeting remains unfinished at the close of the meeting, it may be put off to a continued session of this meeting or to a subsequent meeting without further notice by mail or publication. In the event a public hearing which has started remains unfinished at the close of the meeting, the Board may continue the matter to date and time certain with or without further notice by mail or publication.*

- B. **#14-54: John A. Whippen, individually and on behalf of the Marshfield Citizens Against Airport Pollution**, 93 Old Colony Ln, Assessors' maps K09-03-03A, K08-03-03, K08-03-04, A, R-2 and R-3 zones: Appeal of Building Commissioner decision; requesting the Board direct the enforcement of Sections 5.01 – 5.04, inclusive, and issue a stop – work order and use of the unpermitted work that's taken place **[DUE: 9/30/14]**
- C. **#14-57: QUIRK**, 955 Plain St., C10-02-04A, I-1: Site Plan approval (12.02) Special Permit (10.12) to expand a pre-existing, non-conforming use and structure, to install above-ground storage fuel tanks and a private on-site fueling station, by making a determination that the expansion is not substantially more detrimental to neighborhood, and is consistent with the historic use of the property (DECISION DUE 10/10)

**VII. CONTINUED HEARINGS / DISCUSSIONS:**

- A. **#14-55: WENDYS OLD FASHIONED Hamburgers of NY, Inc. 730 Plain St., D10-01-13, B-2 zone**: Site Plan Approval (12.02) to modify the exterior appearance building changing the footprint, the parking, the lighting or the traffic pattern that currently exists
- B. **#14-42 Elizabeth Normanly**: Continued until 10/14 per verbal discussion with applicant and contractor and confirmatory email

**VIII. APPROVAL OF MINUTES:** Approval of minutes

**IX. ANY OTHER BUSINESS NOT REASONABLY ANTICIPATED BY CHAIRMAN 48 HOURS IN ADVANCE**

**X. ADJOURNMENT**

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